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December 9, 2004

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
Portals II - 12th Street Lobby
Filing Counter - TW-A325
445 12th Street, SW
Washington, D.C. 20554

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DEC - 9 2004
Federal Communications Commission
Office of Secretary

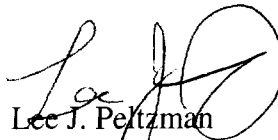
Re: MB Docket No. 04-317
RM 11004,11118
Center, Texas and Logansport, Louisiana
Reply Comments

Dear Ms. Dortch:

Transmitted herewith, on behalf of Logansport Broadcasting, are an original and four (4) copies of its Reply Comments in the above-referenced rulemaking.

Please contact the undersigned in the event the Commission has questions with respect to this matter.

Sincerely,



Lee J. Peltzman
Counsel for
LOGANSPOBT BROADCASTING

Enclosures

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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DEC - 9 2004

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-317
of the Commission's rules)	
Table of Allotments)	
FM Broadcast Stations)	RM-11004, 11118
(Center, Texas and Logansport, Louisiana))	

To: The Secretary, FCC
Attn: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Logansport Broadcasting ("LB"), by its attorney, hereby files its reply to the "Petitioner's Reply Comments" filed by Charles Crawford ("Crawford") on October 19, 2004, in the above-captioned proceeding.¹ Crawford purports to identify a defect in the counterproposal filed by LB. In fact, a review of Charles arguments shows that LB's counterproposal is not defective and that it should be promptly granted in order to realize its substantial public interest benefits.

Crawford notes that an element of LB's Logansport counterproposal is the proposed relocation of vacant allotment Channel 247C2 at Longview, Texas. It contends that there are no proposed transmitter sites to serve Longview which would be suitable and available because of a site restriction. In fact, Crawford is wrong both in its recssitation of the facts and the law.

At the allotment stage, the Commission presumes that a technically feasible site exists. *Mount Wilson FM Broadcasters, Inc. v. FCC*, 884 F.2d 1462, 1463 (D.C. Cir. 1999). Nor does the Commission require absolute assurance of a particular site's availability at this stage. *See*

¹ See Public Notice, Report No. 2683, released November 24, 2004.

Keeseville, New York, Hartford and White River Junction, Vermont, DA 04-1420 (M.M. Bur. released August 27, 2004); *Johannesburg and Edwards, California*, 15 FCC Rcd 15801 (M.M. Bur. 2000).

In this case, Crawford has not even begun to show that a properly spaced site is technically infeasible. Crawford's claim that the site reference proposed by LB is not suitable is based on errors in its mapping program. *See* Engineering Statement attached hereto. Crawford relies on a non-engineering map, the 2000 DeLorme Street Atlas. LB, instead, has used the Official Geographic Coordinate System Map ("GCS") developed by USGS, and confirmed its conclusions with an aerial photograph. The GCS map, which depicts officially published roads and areas, shows that the LB reference coordinates are not immediately adjacent nor close to a residential community. To the contrary, the site is open.

Moreover, there is a rather large area available for Channel 247C2 at Longview in the event the Logansport reference coordinates are modified slightly. *See* Engineering Statement. Therefore, while the proposed LB site may be used, there are other sites which may also be used which would provide service to Longview. *See Keeseville supra*.

LB reiterates what it stated in its counterproposal, that it will file an application for Channel 248A at Logansport, Louisiana and construct its facilities in the event the Commission grants its proposal and its subsequent application.

Accordingly, LB respectfully requests that the Commission deny Crawford's objections and grant LB's counterproposal.

Respectfully submitted,

LOGANSPOUT BROADCASTING

By: 

Lee J. Peltzman

Its Attorney

Shainis & Peltzman, Chartered
1850 M Street, N.W., Suite 240
Washington, D.C. 20036

Date: December 9, 2004

ENGINEERING STATEMENT
In Support of
Reply Comments of a Counterproposal

MM Docket 04-317
Ch 248A Logansport, LA
Logansport Broadcasting

The instant engineering statement is submitted in support of the Logansport Broadcasting ("LB") counterproposal in MM Docket 04-317. Two original petitioners proposed the allotment of Channel 248A as a second service to Center, TX. LB filed a counterproposal requesting the allotment of this mutually exclusive channel to Logansport, LA as a first local service. A part of the Channel 248A allotment process for Channel 248A at Logansport is the modification of the reference coordinates of Channel 247C2 at Longview, TX. During the Reply stage of the NPRM, one of the Center, TX petitioners, Charles Crawford (the "Petitioner") questioned the technical compliance for the proposed reference coordinates of Channel 247C2 at Longview. This LB reply is in response to the arguments raised by the Petitioner. The LB position is presented in four parts.

Part I - Map Discrepancy

The Petitioner makes the argument that, using a 2000 DeLorme Street Atlas USA, it has allegedly determined that the new reference coordinates for Channel 247C2 at Longview, it will be practically impossible to construct at a suitable and usable transmitter site because of the location window. According to the Petitioner the allotment coordinates are "in the living room of a residential home."¹ LB has made a concerted effort to reconstruct the mapping findings of the Petitioner and determine the reason for the discrepancy between its initial conclusions and those of the Petitioner. We have concluded that conclusions of the Petitioner are in error, and are most likely a result of use of non engineering maps rather than incorrect methodology.

Initially LB used in-house USGS topographic 7.5 minute maps to determine if its proposed modification reference coordinates were at a usable site. The site was then verified by same scale aerial photographs. In neither case did the proximity of South Point Road appear immediately to the west of the allotment reference, much less on top of a residential dwelling. However, a check of some commercial mapping programs (usually used as reference only) did show

¹ Charles Crawford Reply Comments filed, October 19, 2004 at p.2.

the existence of South Point Road in the same location as that shown by the Petitioner. Further official mapping studies using the official reference of USGS revealed the point of discrepancy. In Petitioner's exhibit B, page 2 the LB proposed coordinates are correctly plotted. See LB Reply Exhibit A. It should be noted that South Point Road appears twice on the map, once immediately to the west of the reference coordinates and again 450.00 meters to the east of the reference point. However, when the Official Geographic Coordinate System Map ("GCS") (developed by USGS) is used, an actual South Point Road is shown only once and at the location 450 meters east of the LB reference. See Exhibit B. The GCS map depicts its official published roads and areas (shown in dark print) as compared with its satellite imaging variances (shown as light print). The map includes previous mapping errors by including the printed designation of a South Point Road to the west of the actual South Point Road. However, as shown by the GCS map, and verified by satellite imaging, no road exists at the west reference. Apparently when the commercial mapping companies digitized the USGS maps, the scanning programs deemed two roads named South Point Road to exist. There is a USGS determined variance between the mapped and satellite imaged South Point Road, but it is

only a few meters difference. This is also shown in Exhibit B.

Considering the mapping information compiled by LB and discussed above, it easy to see how Petitioner reached the incorrect conclusions concerning the LB modified allocation coordinates of Channel 247C2 at Longview. Regardless of the reason for the Petitioner's mapping error, the fact remains that the LB reference is not immediately adjacent (and east) to South Point Road and nor is it in a residential community. Further documentation of this fact is shown in the next section.

PART II - Ch 247C2 Site is Open and Can be Guyed.

Exhibit C is a USGS 7.5 minute topographic map with the LB modified reference plotted. It should be noted that no adjacent road to the immediate west is shown on this map. Exhibit D is an aerial photograph map, also to USGS 7.5 minute scale, with the LB reference plotted. This is a 2003 map and depicts no existing roadways to the immediate west of the reference. Exhibit E is a zoomed view of the aerial map with the LB reference plotted. It also depicts that standard percentage guying points for a class C2 antenna supporting structure. The absence of an area for guying was a point alluded to by Petitioner in the previous

reply comments. These maps also re-edify that The
Petitioner's mapping conclusions concerning the LB
reference coordinates are in error.

PART III - Additional Options

LB has clearly demonstrated that Petitioner's site concerns
for the Channel 247C2 at Longview reference modification
are without merit. However, there are additional options
available to LB if for any reason the Commission wanted to
change the Channel 247C2 allotment reference coordinates.
The proposed allotment reference for Channel 248A at
Logansport utilized a site as close as possible to the
official Logansport community reference coordinates. This
resulted in the allotment reference coordinates for Channel
247C2 at Longview which are proposed in the LB
counterproposal. However, if the allotment reference of
Channel 248A at Logansport were changed to NL: 31 56 00,
WL: 93 57 02, the Commission requirements of 70 dbu to the
entire community would still be met as would the
Commission's spacing requirements. See Exhibits F and G.
This would create an area where several sites could be
located for Channel 247C2 at Longview. It is a large land
area of 35.6 square kilometers. See Exhibit H.

PART IV - Advantages of LB proposed site of channel site at Longview.

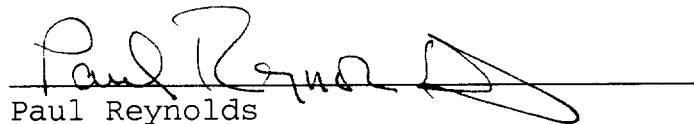
Currently in the auction process the Commission determines a vacant channel's value by establishing the population inside the proposed 60 dbu. The allotment coordinates of the station are used with a hypothetical 60 dbu contour drawn to determine the land area and the subsequent population figures. Using this methodology, LB determined population figures for Channel 247C2 at its current allotment reference and also at the allotment reference proposed by LB. The number of persons in the 60 dbu currently is 299,379 while this number increases to 400,435 persons using the LB reference. See Exhibit I. This greatly enhances the market value of the channel, and would be the probable antenna site preference of a winning bidder. Any extra effort to secure a site in the LB proposed modification area would be greatly offset by the loss of population which would receive broadcast service as well as a decrease in auction revenues flowing to the U.S. Government.

CONCLUSION

LB has demonstrated that the Petitioner's mapping conclusions concerning the LB proposed modification

reference of Channel 247C2 Longview, are flawed due to errors in The Petitioner's mapping program. This is verified using the official USGS Geographic Coordinates map that is verified by satellite imaging. In addition, the open area of the site is further demonstrated by using official USGS 7.5 minute and (scaled) aerial photographs. Moreover, there additional areas available for Channel 247C2 at Longview in the event that the Logansport Channel 248A reference coordinates are modified slightly. Finally, LB proposal greatly enhances the value of the allotment of Channel 247C2 at Longview (to applicants as well as the Commission) by greatly increasing the number of persons living inside the hypothetical 60 dbu contour. Therefore, the LB counterproposal is neither technically flawed or in violation with any of the allotment rules. The allotment of Channel 248A at Logansport makes this a preferable petition and should be granted.

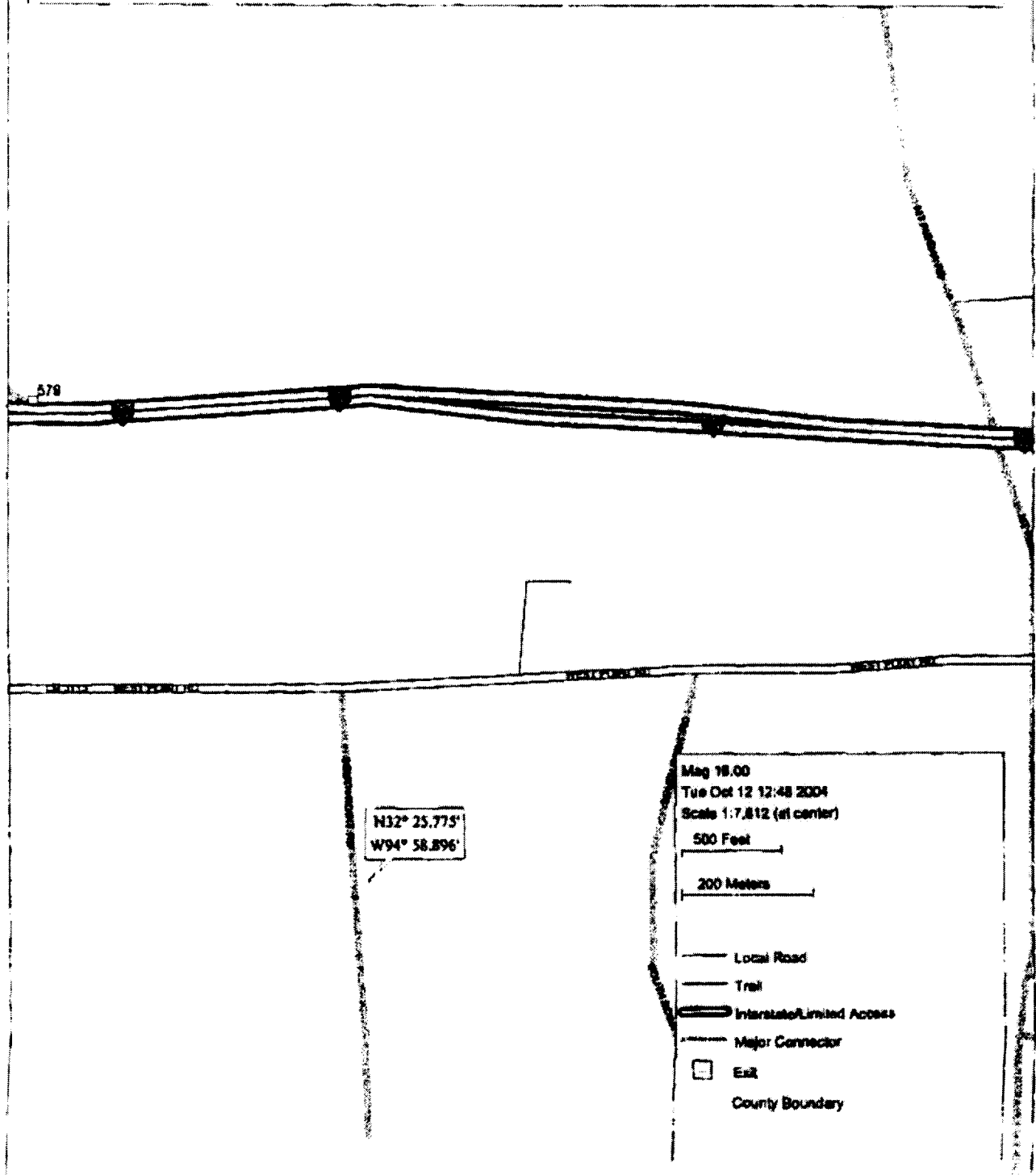
Respectfully Submitted,



Paul Reynolds
Reynolds Technical Associates, LLC
12585 Old Highway 280 East
Yellowleaf Creek landing
Suite 102
Chelsea, AL 35403
205.618.2020



Longview, TX CH 247C2



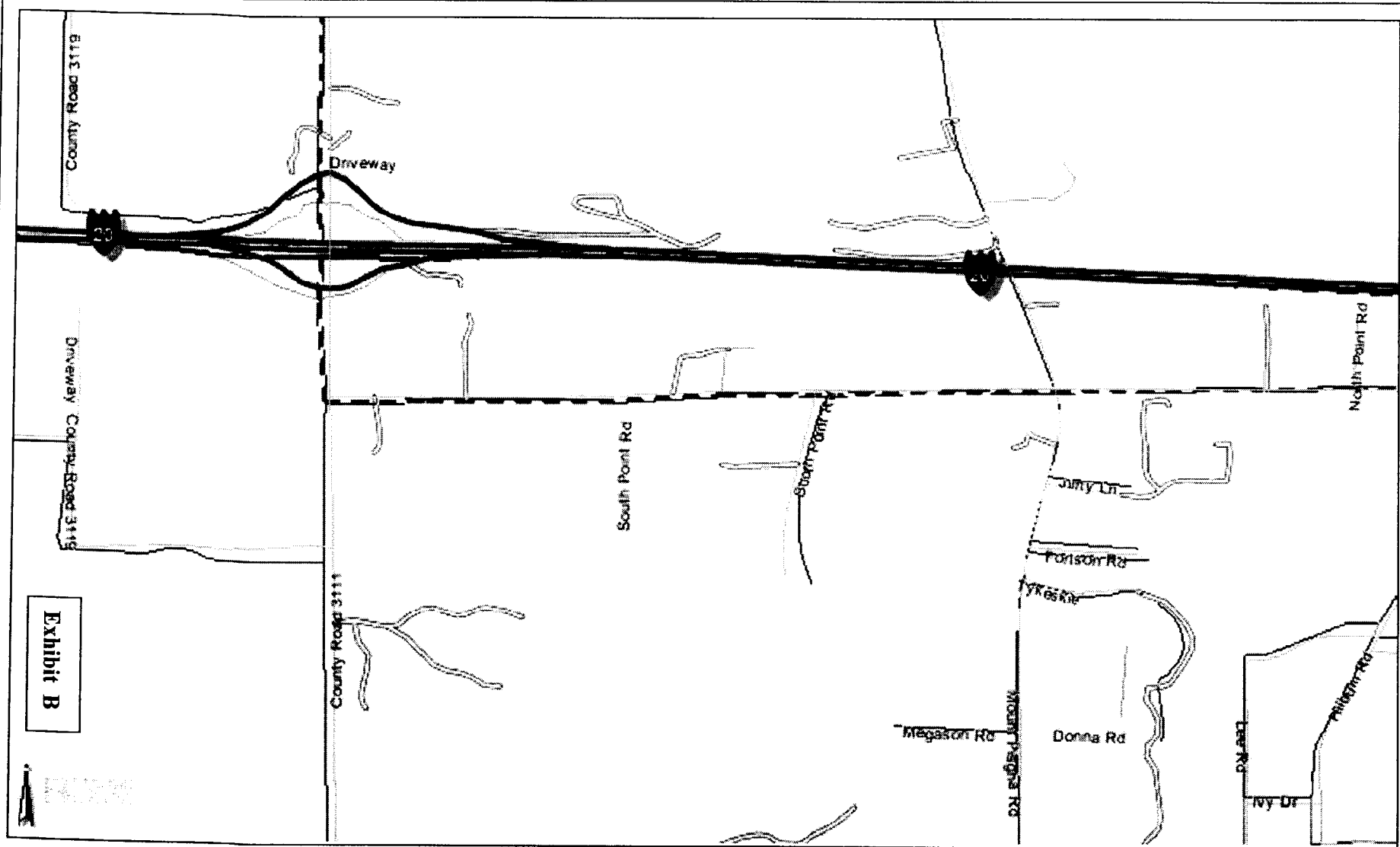


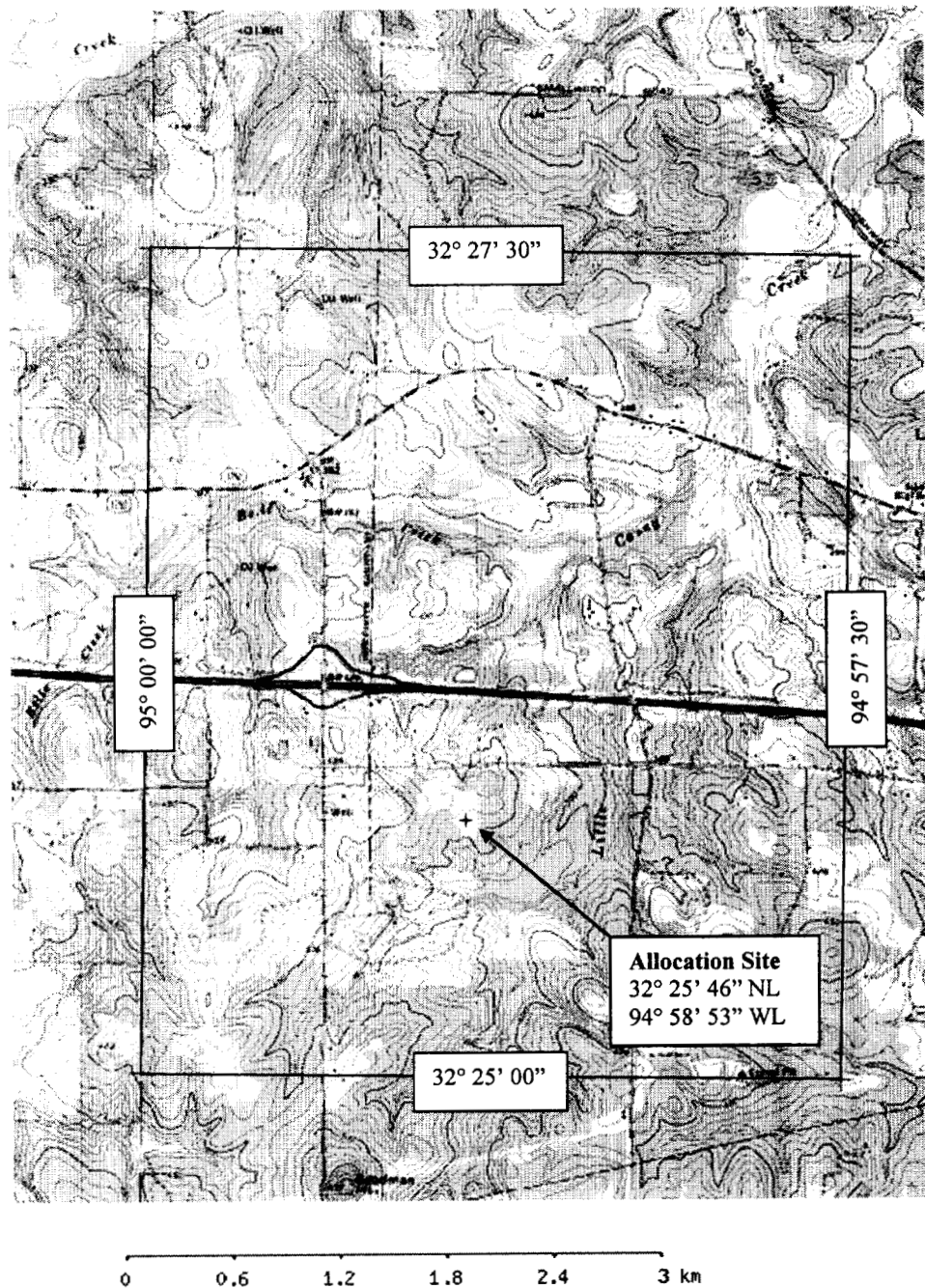
Exhibit B



32.44255
-94.99805 Map Extent -94.960846
32.420418

The National Map
<http://nmviewogc.cr.usgs.gov/>

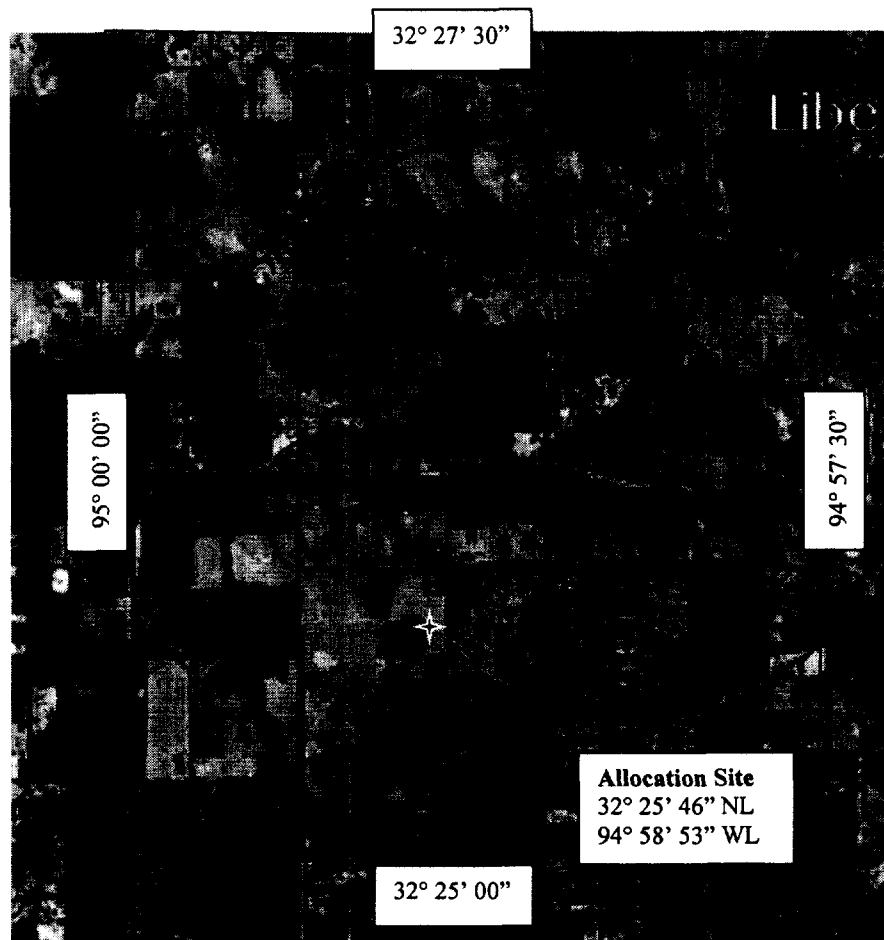
Geographic Coordinate System (NAD83)



Portion of Kilgore NW, Texas 7.5 minute USGS topographic map

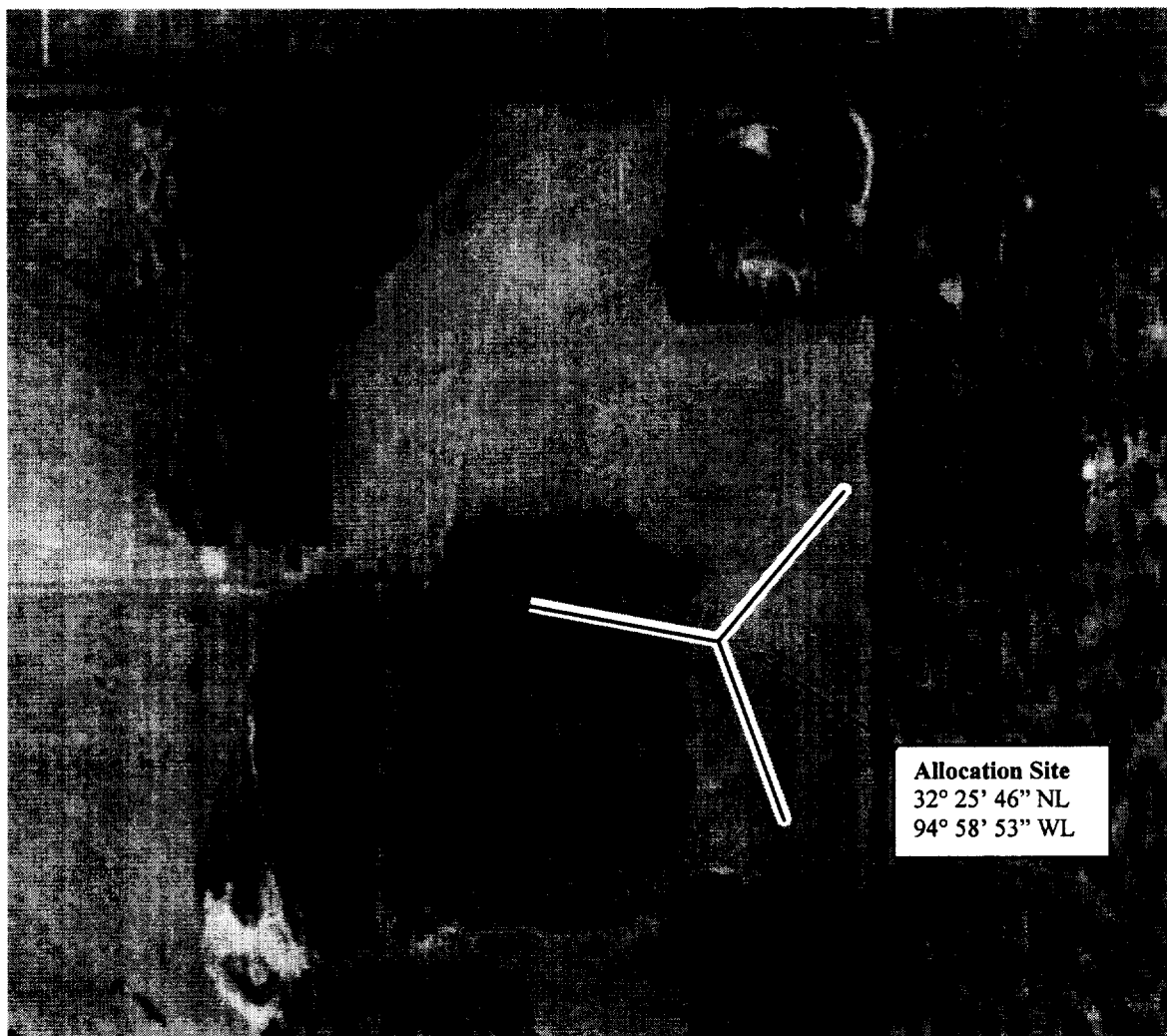
Site Map of Allocation Site

Exhibit C

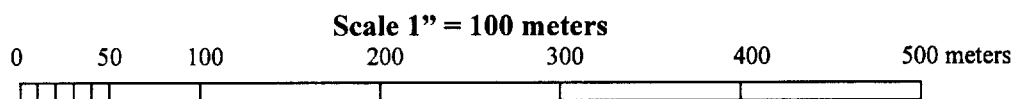


Aerial Photograph of Allocation Site

Exhibit D



Allocation Site
32° 25' 46" NL
94° 58' 53" WL



Zoomed View Aerial Photograph of Allocation Site
(With a 500-ft. Tower Guying Layout)

Exhibit E

ENGINEERING STATEMENT
In Support of
Reply Comments of a Counterproposal

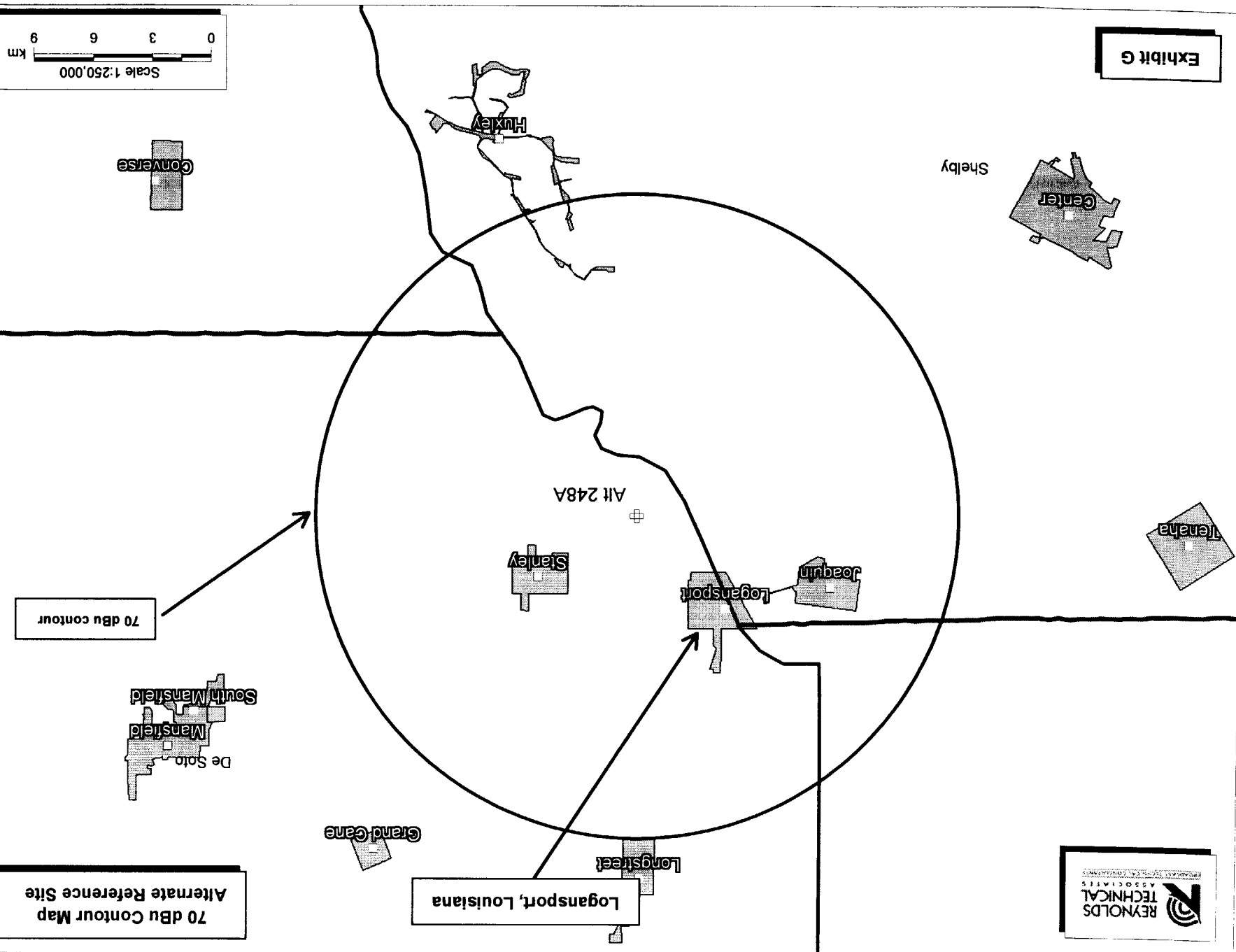


MM Docket 04-317
Ch 248A Logansport, LA
Logansport Broadcasting

ADD Ch 248A Logansport, LA
Depicting site restrictions to create larger window for Ch 247C2 Longview

REFERENCE				DISPLAY DATES			
31 56 00 N				CLASS = A		DATA 12-06-04	
93 57 02 W				Current Spacings		SEARCH 12-08-04	
----- Channel 248 - 97.5 MHz -----							
Call	Channel	Location		Dist	Azi	FCC	Margin

Community of Logansport			LA	6.43	316.4		
North Latitude: 31-58-30							
West Longitude: 93-59-52							
RADD	ADD	248A	Logansport	LA	6.89	324.9	115.0 -108.11
Of No Concern;							
Allotment reference of Ch 248A							
Logansport, LA @							
NL: 31-59-03, WL: 093 59 33							
RADD	ADD	248A	Center	TX	27.52	207.7	115.0 -87.48
RADD	ADD	248A	Center	TX	27.53	207.9	115.0 -87.47
Of Concern:							
MX with Ch 248A in instant counterproposal							
RDEL	DEL	247C2	Longview	TX	96.33	310.3	106.0 -9.67
880812	VAC	247C2	Longview	TX	96.33	310.3	106.0 -9.67
RDEL	DEL	247C2	Longview	TX	96.33	310.3	106.0 -9.67
RADD	ADD	247C2	Longview	TX	98.07	307.3	106.0 -7.93
Of Concern:							
Modification of allotment reference sought							
See Ch 247C2 Longview below							
KDBHFM	LIC	247C3	Natchitoches	LA	88.81	99.0	89.0 -0.19
KPCH.C	CP -N	249C1	Dubach	LA	132.81	50.7	133.0 -0.19
RADD	ADD	247C2	Longview	TX	111.71	299.9	106.0 5.71
Of Note:							
LB proposed modification reference @							
NL: 32 25 46, WL: 094 58 53							
KTALFM	LIC	251C	Texarkana	TX	107.65	357.2	95.0 12.65
KRWP	LIC	248C	Beaumont	TX	251.59	190.0	226.0 25.59
RADD	ADD	248C	Mont Belvieu	TX	251.59	190.0	226.0 25.59
KWRW	LIC-N	249C3	Rusk	TX	116.26	264.1	89.0 27.26
KPCH.A	APP	249C2	Dubach	LA	148.53	56.2	106.0 42.53
KPCH	LIC	249C2	Dubach	LA	148.60	56.3	106.0 42.60



**Channel 247C2 at
Longview, Texas
Usable Area Window Map**

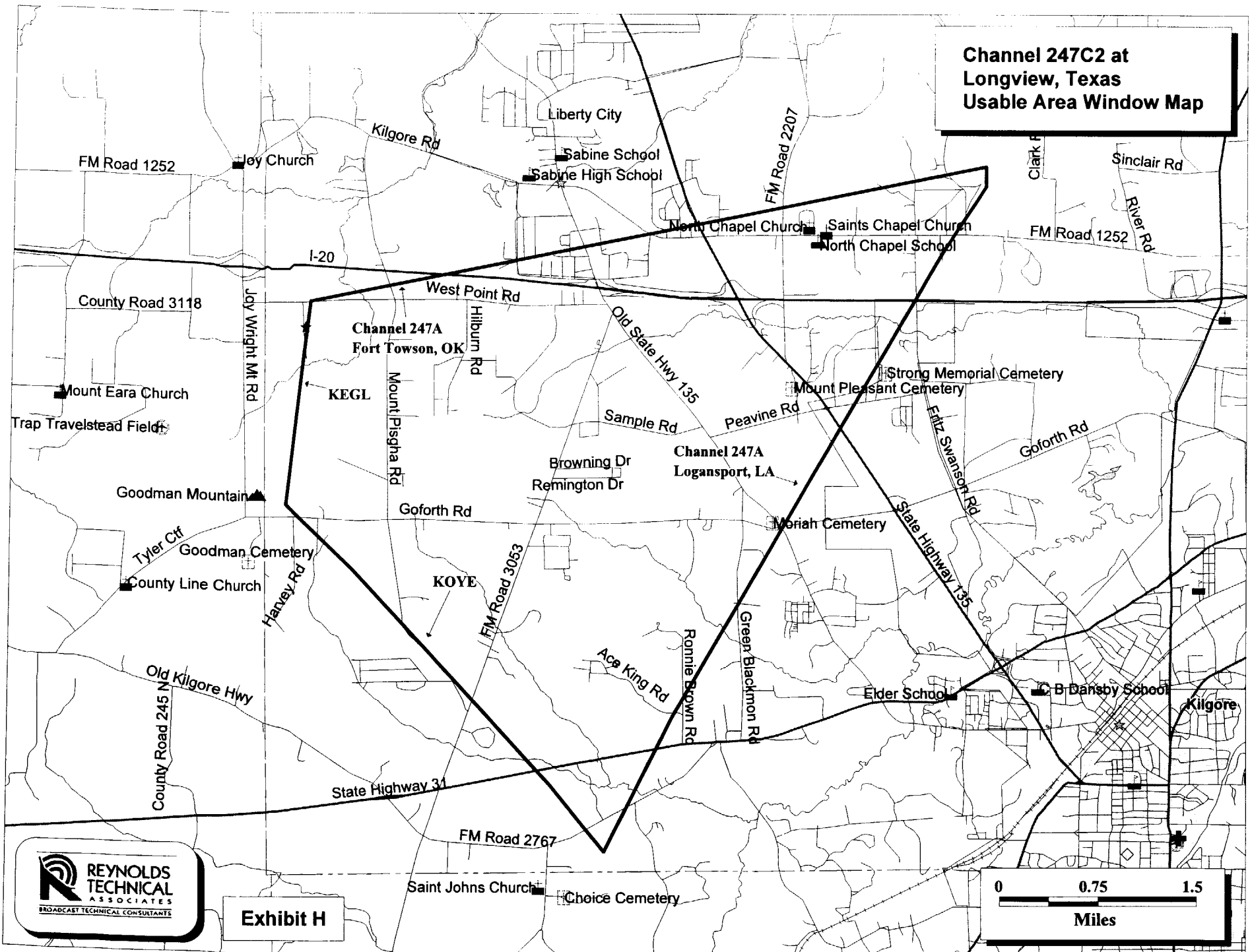
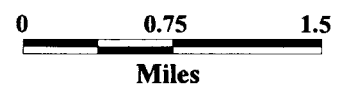
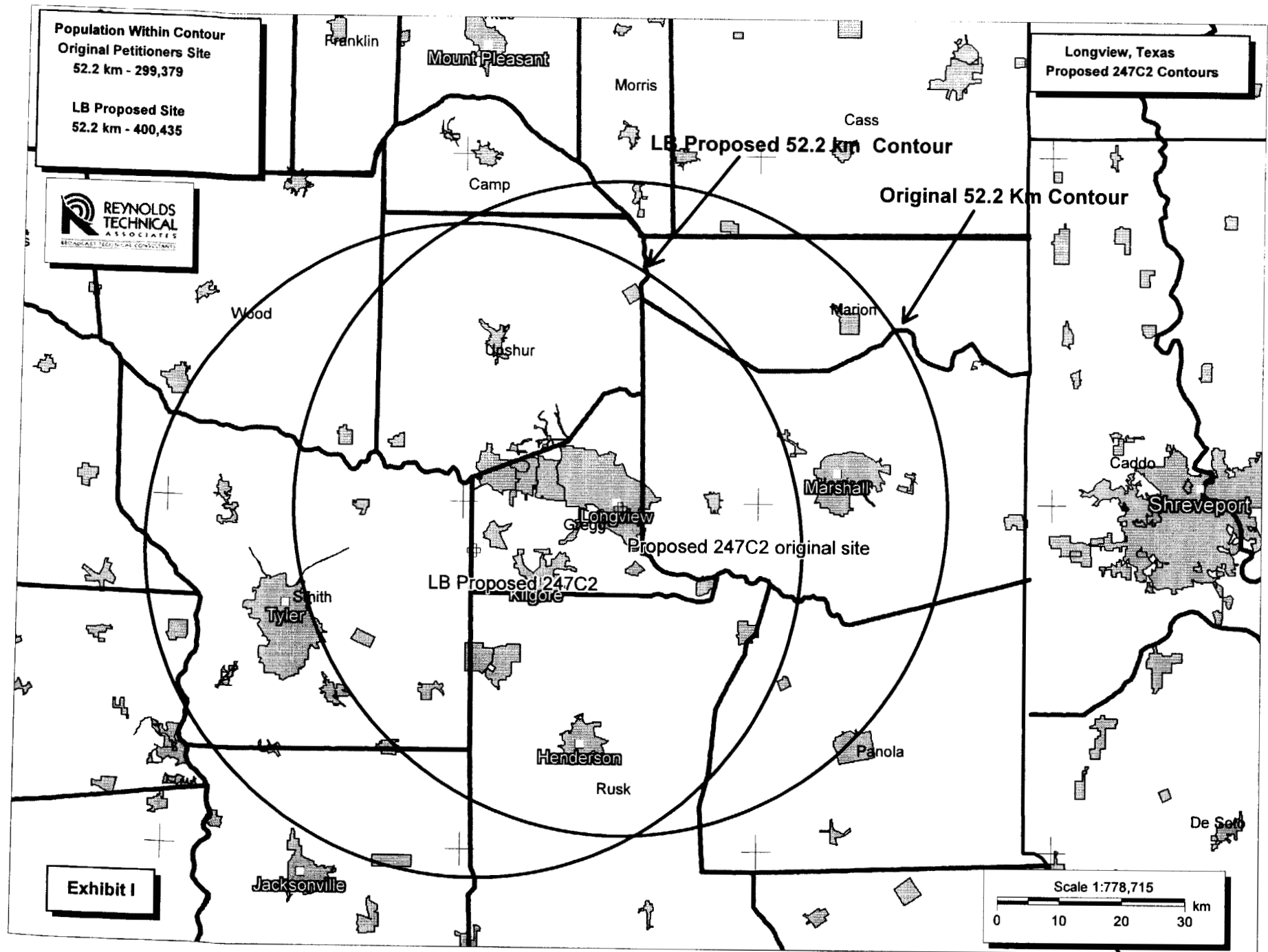


Exhibit H





CERTIFICATE OF SERVICE

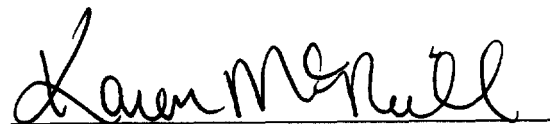
I, Karen McNeill, certify that on this 9th day of December, 2004, I caused to be sent by U.S. Mail, postage prepaid, copies of the foregoing Reply Comments to the following:

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*Via Hand Delivery